

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

GREGORY E. BROWN

*

Plaintiff

*

v

*

Civil Action No. ELH-11-3258

WARDEN

*

Defendant

*

MEMORANDUM

Plaintiff's court-ordered supplement, including a motion to proceed in forma pauperis, was received on November 30, 2011. ECF No. 3 and 4. Because he appears to be indigent, his motion will be granted.

Plaintiff alleges that on November 8, 2011, a male officer¹ at the Baltimore City Detention Center threatened him by telling a female officer that he had a friend who could "take care of" plaintiff if he had said something out of line to the female officer. The male officer stated he could get information about plaintiff's address through the computer. ECF 1, 3. Plaintiff does not allege that any physical or severe emotional harm has befallen him or anyone else after the alleged threat was made. As such he has not alleged harm sufficient to sustain a civil rights claim.

Verbal abuse of inmates by guards, without more, states no claim of assault. *See Collins v. Cundy*, 603 F.2d 825 (10th Cir. 1979); *see also Carter v. Morris*, 164 F. 3d 215, 219, n. 3 (4th Cir. 1999) (rejecting use of racial epithets as a basis for constitutional claim). The threat alleged in this case is not condoned by this court, but it falls short of acts forbidden by the Fourth, the

¹ Although plaintiff provides the name of the officer, Solomon, he does not include his name as a defendant in the caption of the complaint. ECF 3, at p. 1.

Fourteenth, or the Eighth Amendments. *See Pink v. Lester*, 52 F.3d 73, 75 (1995) (“[N]ot all undesirable behavior by state actors is unconstitutional.”). Therefore, the complaint fails to state a claim upon which relief may be granted and must be dismissed by separate order which follows.

December 13, 2011

Date

/s/

Ellen L. Hollander
United States District Judge